United Nations A/HRC/30/L.7

General Assembly

Distr.: Limited
29 September 2015

Original: English

Human Rights Council
Thirtieth session
Agenda item 10
Technical assistance and capacity-building

Algeria, Angola,* Australia,* Austria,* Belgium,* Botswana, Bulgaria,* Central African Republic,* Congo, Croatia,* Cyprus,* Denmark,* Estonia, Ethiopia, Finland,* France, Germany, Greece,* Ireland, Italy,* Latvia, Lithuania,* Luxembourg,* Montenegro, Morocco, Netherlands, Norway,* Poland,* Qatar, Romania,* Rwanda,* Saudi Arabia, Senegal,* Sierra Leone, Somalia,* Spain,* Sudan,* Sweden,* Tunisia,* Turkey,* Uganda,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

30/... Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing the continued urgent need to step up the scale, coherence and quality of all capacity development in and technical assistance to Somalia in the field of human rights, and in that respect welcoming the forthcoming universal periodic review of Somalia,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and all levels of federal, regional state and subnational government,

* Non-member State of the Human Rights Council.

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1. *Expresses concern* at the reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, uphold human rights and hold accountable those who commit any such related crimes;

2. *Also expresses concern* at the abuses and violations perpetrated against girls and women, including sexual violence and female genital mutilation, and abuses and violations committed against children, including the unlawful recruitment and use of child soldiers, killing and maiming, rape and other sexual violence and abductions, and emphasizes the need for accountability for all such violations and abuses;

3. *Expresses deep concern* that internally displaced persons continue to bear the brunt of ongoing violence, and at abuses and violations perpetrated against them, especially the most marginalized and vulnerable, which may include women, children and persons belonging to minorities;

4. *Also expresses deep concern* at the continuing attacks against and harassment of journalists in Somalia, urges the authorities to prohibit, prevent and protect against all unlawful killings, attacks and harassment of journalists, urges all parties to refrain from violence and to respect freedom of expression, and underscores the need to end impunity, uphold human rights and hold accountable those who commit any such related crimes;

5. *Strongly condemns* the serious and systematic violations and abuses perpetrated against members of the civilian population, including women, children, journalists, parliamentarians and human rights defenders, by Al-Shabaab and its affiliates, including the killing of Somali Ambassador to the United Nations Office at Geneva, Yusuf Mohamed Ismail "Bari Bari", in a terrorist attack in Mogadishu on 27 March 2015, and calls for the immediate cessation of those violations and abuses and for perpetrators to be held accountable;

6. *Recognizes* the importance of international assistance to Somalia, and stresses that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia;

7. *Welcomes* the commitment of the Federal Government of Somalia to improve human rights in Somalia, and in that respect also welcomes:

(*a*) The formation of the Ministry of Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, working alongside the Ministry of Justice and Religious Affairs and other departments;

(*b*) The work to develop the action plan for the post-transition human rights road map, including consultations with civil society and emerging regional administrations;

(*c*) The Somali Armed Forces Guulwade (Victory) plan and Somali Police Force Heegan (Readiness) plan, as first steps towards the provision by the Federal Government of Somalia of full security to the people of Somalia;

(*d*) The continuing institutionalization of the promotion and protection of human rights in Somalia, including efforts to incorporate protection for civilians, internally displaced persons and returning refugees, and to promote human rights in the reform plans of the security and justice sectors;

(*e*) The commitment of the Federal Government of Somalia to be fully consultative in its efforts to establish a national human rights commission in due course;

(*f*) The initiation of a consultative process to review and amend Somalia's media laws, while encouraging further progress in the process;

(*g*) The agreement and publication of a national action plan on eradicating sexual violence in conflict;

(*h*) The drafting of a bill on sexual offences and the re-commitment to establish a clear policy and to legislate against female genital mutilation;

(*i*) The continued commitment of the Federal Government of Somalia to the universal periodic review process;

(*j*) The confirmation by the Federal Government that it will imminently ratify the Convention on the Rights of the Child and the Convention on Cluster Munitions;

(*k*) The formation of the National Independent Electoral Commission, the Boundaries and Federalism Commission and the Independent Commission for the Review and Implementation of the Constitution;

8. *Underscores* the importance of coordinated international assistance to Somalia in the field of human rights, and in that respect welcomes:

(*a*) The continued work towards meeting the goals established in the Somali Compact, most recently the work of the High-level Partnership Forum held in Mogadishu on 29 and 30 July 2015, noting especially the call for human rights to be anchored in the implementation of all peace- and State-building goals, in particular through the human rights road map and existing action plans on human rights;

(*b*) The sustained and vital commitment of the African Union Mission in Somalia and the Intergovernmental Authority on Development;

9. *Encourages* international donors to provide timely and tangible assistance to and to enhance cooperation with the Government of Somalia at the federal, regional state and subnational levels;

10. *Urges* the international community to provide financial support to enable host countries to respond to the ongoing humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia as well as internally displaced persons, and to provide urgent financial support to receiving bodies in response to the growing humanitarian needs of refugees from Yemen, while emphasizing the principle of burden-sharing;

11. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To promote reconciliation and dialogue at both the local and national levels, recognizing the importance of the assistance provided by the Intergovernmental Authority on Development;

(*b*) To finalize and adopt a federal Constitution in line with the provisions of the Federal Government's Agenda Vision 2016;

(*c*) To prepare for and hold credible, transparent and inclusive elections in 2016;

(*d*) To ensure the equitable participation of women, youth, members of minority groups and other marginalized groups in national political processes;

(*e*) To harmonize national and subnational political policies and legal frameworks with the applicable human rights obligations and other commitments, including those referenced in the provisional Constitution and the migration and human rights agenda at the federal, regional state and subnational levels;

(*f*) To establish independent, accountable and efficient judicial institutions and to seek tangible and timely assistance from, inter alia, regional bodies, to reform the Somali judicial system and to enhance the capacity of Somali judges, with particular focus on the promotion and protection of human rights and combating corruption;

(*g*) To establish, without further delay, the remaining constitutional bodies, including the Human Rights Commission, the Judicial Services Commission and the Constitutional Court;

(*h*) To ensure the accountability of State institutions and security forces and those serving within them; to increase awareness of and training on human rights among the Somali security forces at the national and subnational levels, including regarding the protection of civilians and prevention of extrajudicial killings, with the timely and tangible support of the international community; to ensure that comprehensive vetting procedures are put in place for personnel in the security forces and in security institutions; and to issue clear and public orders that the Somali National Armed Forces, Somali National Police Force and allied militias should comply with applicable international law;

(*i*) To continue measures to implement the action plans to end the recruitment and use of children in the Somalia National Armed Forces;

(*j*) To implement, in a clear and accessible manner, a zero-tolerance policy on gender-based violence, particularly sexual violence, to include prevention of sexual exploitation and other forms of abuse, and to ensure that individuals found to be responsible for and complicit in sexual violence, regardless of their status or rank, are held to account;

(*k*) To fulfil its commitment to sign and ratify the Convention on the Elimination of Discrimination against Women;

(*l*) To initiate effective and impartial investigations into the killings of journalists, to prosecute all those responsible for unlawful acts, in a manner consistent with applicable domestic and international legal obligations, to create security and space for a free press to operate, and to take measures to protect and support civil society and human rights defenders, in particular in view of the forthcoming elections;

(*m*) To treat disengaged combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(*n*) To ensure the protection and well-being of all internally displaced persons, including from sexual violence and exploitation; to seek durable solutions for them; to ensure a fully consultative process and best practice for relocations, as well as safe, sanitary new sites that have basic services; to ensure unfettered access for humanitarian organizations; to recognize the acute vulnerability of internally displaced persons; to facilitate full humanitarian access to people in need wherever they are in Somalia; and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while paying particular attention to the rights, freedoms and needs of ethnic and religious minorities who require humanitarian assistance;

(*o*) To continue to engage constructively in the universal periodic review process, including through its engagement with the upcoming review in 2016 and the subsequent follow-up;

12. *Strongly commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

13. *Stresses* the importance of technical assistance in building credible and impartial domestic capacity to undertake monitoring, investigations and public reporting to identify human rights concerns and inform appropriate remedies by duty-bearers;

14. *Also stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts, and the role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

15. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner of Human Rights;

16. *Decides* to renew the mandate of the Independent Expert on the situation of human rights in Somalia, under agenda item 10, for a period of one year;

17. *Requests* the Independent Expert to continue his engagement with the Government of Somalia at the national and subnational levels, civil society and the United Nations Assistance Mission in Somalia, with a view to assisting Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions;

(*c*) The recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, including the post-transition human rights road map and the process to establish an independent human rights commission in due course;

18. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-third session;

19. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out his mandate;

20. *Decides* to remain actively seized of the matter.